

# CITY OF HORSESHOE BAY

## CITY COUNCIL PUBLIC MEETING AND PUBLIC HEARINGS

December 11, 2007

The Council of the City of Horseshoe Bay held a Public Meeting and Public Hearings at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, December 11, 2007, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor  
James E. Babcock, Mayor Pro Tem  
John Bird, Alderman  
Claudia Haydon, Alderwoman  
Richard Rantzow, Alderman  
Jeff Robinson, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present. Reverend Johnny White from the Church at Horseshoe Bay led the invocation. Mayor Lambert led the pledge of allegiance to the United States Flag and the Texas Flag. Mayor Lambert welcomed everyone to the meeting and said anyone who wanted to make comments would need to sign the sheet on the podium.
2. Consider and Take Action on an Ordinance of the City Council of the City of Horseshoe Bay, Texas, Authorizing the Issuance and Sale of City of Horseshoe Bay, Texas, General Obligation Refunding Bonds, Series 2007, in the Aggregate Principal Amount of \$7,500,000; Levying a Tax and Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, and a Paying Agent/Registrar Agreement; Calling Certain Obligations for Redemption; and Enacting Other Provisions Relating Thereto: Mayor Lambert stated this item is to issue Refunding Bonds. Jennifer Douglas with First Southwest Company and Glenn Opel with Vincent and Elkins were present to speak to the Council and answer any questions. He added it was a pleasure working with them and they are both very good at what they do. Ms. Douglas then went over the Bid Summary (a copy of which is hereby attached and made a part of these minutes) and stated the City got two excellent bids of 4.45% from American Bank of Texas and 4.04% from Bank of America. She added the 4.04% is a wonderful rate in this market and obviously the bank had a lot of faith in the strength of the City. Mayor Lambert thanked Steve Smith with American Bank of Texas for his work on their bid. Glenn Opel stated they had pre-filed with the Attorney General due to the timing and getting the bonds closed on December 28<sup>th</sup>. The AG's office requires a 15 business day review period.

Once the ordinance is adopted, his firm will take the signed documents and update their filing. Due to the fact the closing is on December 28<sup>th</sup>, they should receive a preliminary approval letter around the 20<sup>th</sup>. Alderman Rantzow made the motion to approve the Ordinance and authorize Mayor Lambert to sign the agreements with Bank of America at the rate of 4.04%. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0). Mayor Lambert stated paragraph 2.01(d) authorizes the City to pay these bonds from utility revenues. Council has discussed this at length and they feel they would like this to be reflected in the record. Alderman Rantzow made the motion to pay this debt from utility revenues. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).

3. Comments from Mayor: Mayor Lambert stated he had no comments.
4. Comments from Aldermen: Mayor Lambert asked if any of the Aldermen had any comments. Alderman Robinson presented members of the City Council with Llano ISD caps compliments of the Llano ISD Board of Directors. Alderman Rantzow asked Police Chief Bill Lane if he had any further information on the requirements to lower the speed limit on Hwy. 2147. It was decided this item will be on the January 22, 2008 agenda for discussion. Alderman Bird said Mayor Lambert has been working with staff on the possibility of allowing citizens to sign up to receive the meeting agendas and information regarding agenda items via email. He added if citizens are interested in this to contact Teresa Moore with their email address.
5. Public Comments: Mayor Lambert said no one had signed up to speak.
6. Items to be Removed from the Consent Agenda:
  - a. Minutes of the November 13, 2007 Bond Workshop and the November 13, 2007 Public Meeting: Alderman Bird said he had a correction to the minutes. He would like to identify exactly what budget year was amended. Alderman Rantzow made a motion to approve this item with the change to the minutes as discussed. The motion was seconded by Alderman Babcock. The motion passed unanimously (5-0).
  - d. Amendment to Zoning Ordinance No. 07-09-18E to Amend the Entire Section for Zone 10 Siena Creek: Mayor Lambert stated he would like to discuss Item 7.d. separately. He explained that Eric Winter and the Siena Creek developer have met to discuss these changes. Mayor Lambert said Alderman Babcock and he had also met with the developer as well as his attorney concerning the proposed changes. The Siena Creek property owners have received notice of these changes twice. Alderman Babcock explained this is a pretty routine matter. It has been reviewed extensively. This has been in the works for a long time and he feels it needs to be acted on. When the City did the Zoning Ordinance they tried to tailor the zoning for each subdivision in order to meet what their various Deed Restrictions required. There were some items in Siena Creek that did not get tailored quite as well as they should have and this is just to correct those problems. After some discussion, Alderman Babcock made the motion to approve the amendment to Section 10 of the Zoning Ordinance after removing

Section 3.12.5(a)(3) under Uses Permitted which would allow Automotive service stations. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

7. Consent Agenda Items:

- a. Final Plats:
  - i. Replat of Lot Nos. W25024 and W25026, Horseshoe Bay West Plat No. W25.1 to be known as Horseshoe Bay West Plat No. W 25.7, Llano County Texas (202 Big Sky)
  - ii. Replat of Tract "HH", Horseshoe Bay Plat No. 40.5, Lot No. 40003-B, Horseshoe Bay Plat No. 40.2 and 3.87 acres out of Tract "MM-2", Horseshoe Bay Plat No. 55.1 to be known as Horseshoe Bay Plat No. 40.50, Burnet County, Texas (600 Hi Ridge)
  - iii. Replat of Lot Nos. W35076 and W35077, Horseshoe Bay West Plat No. W35.2. to be known as Horseshoe Bay West Plat No. W35.3, Llano County, Texas (220 Mountain Home)
- c. Holiday Schedule for 2008
- e. Amendment to Ordinance No. 06-08-22A Comprehensive Fees Schedule – Fees for Sign Permits
- f. Regional Transportation Planning Memorandum of Understanding
- g. Resolution Providing for the Sale of Property Acquired by the Burnet Central Appraisal District at Delinquent Tax Sale

Alderman Rantzow made the motion to approve the remainder of the Consent Agenda. The motion was seconded by Alderman Babcock. The motion passed unanimously (5-0).

- 8. General Manager's Report: Mike Thuss presented the General Manager's report which is hereby attached and made a part of these minutes.
- 9. Conduct a Public Hearing and Consideration and Possible Action Regarding Ordinance to Extend the Moratorium on New Construction in Zone 13, CapRock Zone, and Zone 14, HSB Boulevard Corridor Zone: Mayor Lambert convened the public hearing at 3:39 p.m. He asked if there were any public comments. There were none and he adjourned the public hearing. Alderman Rantzow made the motion to approve the ordinance extending the moratorium on new construction in Zone 13 and Zone 14. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).
- 10. Conduct a Public Hearing Regarding Rezoning a 4.58 acre portion of Park No. 13, conveyed to Horseshoe Bay Property Owners Assoc., Inc., recorded in Volume 197, Page 495, O.R.L.C.T. (the "Property") in the City of Horseshoe Bay, Llano County Texas, located between Hwy 2147 and Hi Circle South, and west of 15<sup>th</sup> Green Drive from R-Recreational to C-2 General Commercial (Village Square) – Public Hearing will not be held and is to be deferred: Mayor Lambert stated this public hearing was deferred to a future meeting.
- 11. An Ordinance Annexing Tracts II and III which is a Portion of the Area Commonly known as the Skywater Over Horseshoe Bay Development: Alderman Rantzow made the

motion to approve Ordinance No. ORD 07-12-11B annexing Tract II and III of Skywater Over Horseshoe Bay. The motion was seconded by Alderman Robinson. The motion passed unanimously (5-0).

12. An Ordinance Annexing Tract VI which is a Portion of the Area Commonly known as the Skywater Over Horseshoe Bay Development: Alderman Babcock made the motion to approve Ordinance No. ORD 07-12-11C annexing Tract VI of Skywater Over Horseshoe Bay. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).
13. An Ordinance Approving a Final Service and Assessment Plan for Skywater Over Horseshoe Bay Public Improvement District No. 1, Approving the Assessment Roll, Levying the Improvement Assessments on Certain Property in the Improvement District, Fixing Charges and Liens Against Property in the Improvement District and the Owners of Property in the Improvement District and Providing for Collection of the Assessments: Alderwoman Haydon made the motion to approve the ordinance approving the Final Service and Assessment Plan for Skywater Over Horseshoe Bay Public Improvement District No. 1. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).
14. First Amendment to Development Agreement, Water Utility Service Agreement, Wastewater Utility Service Agreement, and PD Ordinance – Skywater – Discussion Only: Mayor Lambert stated this item is for discussion only. This will be put on the City's website in order to seek public comment. Ilene Perkett signed up to speak on the portion regarding signs. She stated Mayor Lambert contacted her to see if she would like to meet with Sam Martin regarding his request to amend the Development Agreement regarding signs. She said she felt it was a very productive meeting and as most people know, she is on the record as being opposed to billboards in Horseshoe Bay, particularly on State Highway 71. Ms. Perkett said Sam Martin had a concept she had not heard of before and that is "temporary billboards". She thought this was a very innovative idea and one she could support. They agreed on only two billboards on Hwy 71 and these would only be 200 sq. feet each. This is less than one third the size that you normally see on billboards which are usually 675 sq. feet. She said if the Council agrees, she can live with what Sam Martin has proposed. She stated even though this only pertains to Skywater, it will set a precedent for any new development in the City. She also has a concern that the motorists traveling on Hwy 71 might think the City now allows billboards on Hwy 71 and how would other cities feel about this. Mayor Lambert asked Council to provide any comments they might have today in order to get a good draft of this on the website as soon as possible. Changes in the utility requirements include providing service to the first 200 lots sold in any phase instead of specifying 200 lots in Phase One. Council discussed the draft needs to be changed regarding the sign to be placed on Crownover property.
15. Village Square Planned Development Ordinance – Discussion Only: Mayor Lambert stated the Concept Plan provided by Village Square developers is consistent with the presentation published in the Beacon except Building 2 will actually be a two story building. He added the setbacks are not clear in the newspaper. Council did ask that the

new buildings be moved as far away from the existing building (dentist office) as possible and architect Marley Porter agreed to set it back 20 feet from the property line of the existing building. Mayor Lambert said this information will be placed on the City's website for public input, and this could be on the January 22, 2008 agenda for possible action.

16. The City Council, meeting as the Board of Adjustment, will Conduct a Public Hearing and Possible Action Regarding:

- a. Request for Variance regarding Lot No. W34002 of Horseshoe Bay Plat No. W34.2, Horseshoe Bay, Llano County, Texas (3603 Douglas Drive)

Mayor Lambert convened the public hearing at 4:17. He asked if there were any public comments. Property owner Ken Hasenbeck addressed the council stating he knows there are some neighbors that sent letters of protest; however, he believes they are no longer opposed. Mayor Lambert asked if there was anyone else that wanted to speak. There was no one, and he adjourned the public hearing. General Manager Thuss stated it had been approved by the POA Architectural Committee. After some discussion, Mr. Hasenbeck asked to table this item. No action was taken. Council voted to table this item (5-0).

17. Conduct a Public Hearing and Consideration of Preliminary Plats:

- a. Replat Lot Nos. 2082, 2083 and 2084, Horseshoe Bay Plat No. 2.0 to be known as Plat No. 2.1, Horseshoe Bay, Llano County, Texas (1200 Block of Airpark near Quick Draw)
- b. Preliminary Plat of a Replat of Skywater Over Horseshoe Bay, Plat No. 3.1, Lot Nos. 9, 14, 15, 17-19, 38-41, 51-53, 65-96 and Greenbelts 8-1, to be known as Plat No. 3.2 being 58.91 acres out of the Nicholas Mendez Survey No. 3, Abstract No. 506, Llano County, Texas

Mayor Lambert convened the public hearing at 4:24. He asked if there were any public comments. There were none and he adjourned the public hearing. Alderman Babcock made the motion to approve the preliminary plats as presented. The motion was seconded by Alderman Rantzow. The motion passed unanimously (5-0).

18. Conduct a Public Hearing and Consideration of an Ordinance of the City of Horseshoe Bay Amending Ordinance No. 07-09-18E Defining Veterinary Clinics as a Medical Facility and allowing them as a Permitted Use in All C-2 Zoning Districts – Public Hearing will not be held and is to be deferred: Mayor Lambert stated there was a public hearing scheduled; however, due to some procedural problems, the public hearing will not be held today and will be deferred and possibly held at a future meeting.

19. Annexation Plan: Alderman Babcock stated the Comprehensive Plan references as an appendix an Annexation Plan. Since the City is not a Home Rule or Charter City, the City cannot involuntarily annex property except in a very limited situation where property is small and the City is already providing services. In order to complete the Comprehensive Plan he would like to get an Annexation Plan attached. He noted this does not mean the City is going to go out and start annexing property. The purpose of this is threefold. One, it recognizes that the normal and appropriate limits to the

community are Hwy. 71 on the south, Lake LBJ on the north, the existing communities of Cottonwood Shores' and Marble Falls' ETJ on the east and to the west, the western boundary of The Trails extending back up to Hwy 71. He feels like as property in this area develops and because the City does control the water and sewer, developers will come to the City and ask to be annexed. If they are within the natural boundaries of the City, he feels the City will view it most favorably. The second purpose is for long range planning purposes because over a period of time these areas all may be within the City limits. The third purpose is if the City were to convert to a Home Rule City at any time within the next three years they would then gain the power to annex property involuntarily. In order to do so the City is required to have a three year plan on file. If there were some reason the City would have to act on this, then they would be able to move more swiftly if the Annexation Plan is already in place. For the Council's consideration, Mr. Babcock has grouped the properties into groups of three, five and seven year time periods. If the LCRA property is sold, they should become a part of the City and the City would want some input as to how that area would be developed. He said when the time comes to annex any property, there would be a cost analysis done to see if it is in the best interest of the City to do so. Alderman Babcock stated, this is not a manifesto that the City is going to run out and start annexing all of these properties. This is just a road map for looking at these things in the future. Mayor Lambert stated no action will be taken on this item at this time. It will be added to the City's website in order to receive public comments and will probably be on the January agenda for possible action.

20. Drought Contingency Plan – Discussion Only: Mayor Lambert said this is a draft of the Drought Contingency Plan and there will be a companion Water Conservation Plan that will be coming soon and the Council would like to deal with both of these at the same time. Public Works Director, Jerry Lovelady explained the reason these plans are required and who will need to approve them. He asked if there were any comments or questions. Mayor Lambert stated this would be added to the website along with the Water Conservation Plan as soon as it is ready and if the Council has no objections, it will be on the January agenda for possible action. Members of the Council commended Mr. Lovelady for his work on this item.
21. Update on City Manager Search: Mayor Lambert said that at different times last week Council members, John Bird, Jeff Robinson, Jim Babcock as well as the Mayor met with the consultant from Walters-Oldani Executive Recruitment to start providing him information. He will prepare a document containing information about Horseshoe Bay and the City Manager position to be used in the search process for candidates. Alderman Bird and Mayor Lambert discussed a timeline with him. The Mayor asked Council for feedback regarding the following proposal. The recruiting firm will produce a draft of the brochure within a week to 10 days. Each member of the Council will receive a copy and be asked to provide comments. The Consultant will then begin to advertise the position. He will screen resumes he receives and prepare a book of the semi-finalists. The consultant will return to meet with the committee members, Mayor Lambert and Aldermen Bird and Robinson to pick 10-15 semi-finalists. The consultant will then do a detailed investigation of these and will then prepare another book of these. The consultant will again meet with the committee to pick 4-6 finalists. These would then be

interviewed by the full Council in Executive Session. This would be done close to a Council meeting hopefully in March. At that time they might narrow it down to one or two candidates, and they would be invited back to meet in a less formal atmosphere for a day or two of meetings with members of the Council and City staff. The Council agreed with this approach.

22. Adjournment: Alderman Rantzow made the motion to adjourn the meeting at 4:40 p.m. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (5-0).

APPROVED this 22<sup>nd</sup> day of January, 2008.

/S/  
**Robert W. Lambert, Mayor**

ATTEST:

/S/  
**Teresa L. Moore, City Secretary**